



# Petroleum Tank Release Compensation Board STATE OF MONTANA

P.O. Box 200902 • Helena, MT 59620-0902 • (406) 841-5090 • Website: [www.deq.mt.gov/pet/index.asp](http://www.deq.mt.gov/pet/index.asp)

RECEIVED

July 11, 2008

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Ravalli County Commissioners

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Steve Walters  
North Star Aviation, Inc  
516 Airport Road  
Hamilton, MT 59840

RE: Application for Petroleum Release Eligibility for North Star Aviation, Inc located at 516 Airport Road in Hamilton, Facility #99-95007, DEQ Release #4668.

Dear Steve Walters:

The Petroleum Tank Release Compensation Board (Board) staff has determined that this release is **not eligible** for reimbursement in accordance with the 2007 Montana Code Annotated 75-11-308(2)(f).

|                    |   |
|--------------------|---|
| Tanks              | 1-20,000 gallon diesel AST, 1-20,000 gallon aviation fuel AST |
| Eligibility Status | Ineligible  |

## PETROLEUM TANK RELEASE COMPENSATION BOARD REQUIREMENTS

The Board has jurisdiction to make a determination of eligibility under Mont. Code Ann. § 75-11-301 thru 75-11-321. The Board is required to apply the law in effect at the time the release is discovered. The owner is eligible for reimbursement for the applicable percentage as provide by law of eligible costs caused by a release from a petroleum storage tank only if the owner/operator is found to be in compliance with the laws and rules.

The staff has reviewed the eligibility application and file and determined that this release is ineligible for financial assistance from the Fund because the release of petroleum was from a mobile storage tank used to transport petroleum or petroleum products from one location to another.

### Reference:

- ♦ Montana Code Annotated 75-11-308 (2), MCA - An owner or operator is not eligible for reimbursement from the petroleum tank release cleanup fund for expense caused by releases from the following petroleum storage tanks:
  - (f) a mobile storage tank used to transport petroleum or petroleum products from one location to another.

North Star Aviation, Inc  
Facility # 99-95007, Release 4668  
July 10, 2008  
Page 2 of 2

#### DECISION MAKING AND APPEAL PROCESS

The Board will consider the staff's recommendation at the September 15, 2008 meeting. The Board will also review and consider any information that you or your representative would like to present. The Board can confirm the staff recommendation, modify the recommendation or reject the recommendation based upon available information. You will be provided official notification of the Board decision within 15 days of the meeting.

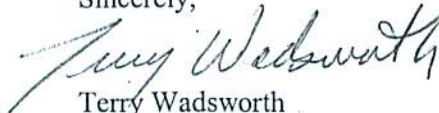
**If you choose to dispute the staff recommendation, you must do so in writing within 15 days of receipt of this letter to Terry Wadsworth at the Petroleum Tank Release Compensation Board, P.O. Box 200902, Helena, MT 59620. Written dispute will ensure the matter is placed on the meeting agenda for discussion.**

#### CLAIMS

Please be aware that you may not be reimbursed from the fund for expenses more than 5 years prior to the request for reimbursement (§75-11-307(2)(h), MCA). This limitation does not apply to claims for compensation paid to third parties for bodily injury or property damage. Accordingly, submit any claims you may have even if your eligibility has not been determined.

If you have any questions concerning this letter, please contact me at (406) 841-5092.

Sincerely,



Terry Wadsworth  
Executive Director  
Petroleum Tank Release Compensation Board

cc: ✓ Page Gough, Manager Ravalli County Airport, 215 South 4<sup>th</sup> Street, Suite A, Hamilton, MT 59840  
PTRCB file #99-95007  
DEQ-PTS